

NOT AVAILABLE COPYREMARKS

Claims 1-89 are pending in the application. In the Office Action mailed September 29, 2004, the Examiner rejected Claims 1-89 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0023463 to Dombroski et al. Applicants wish to thank the Examiner for the telephone conference of February 28, 2005, regarding applicants' establishment of conception of the present invention prior to the priority date of the Dombroski et al.

Applicants respectfully submit that the previously transmitted declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 responded to each and every basis of rejection stated in the Office Action mailed December 19, 2003. It is therefore believed that the claims are in condition for allowance and such action is respectfully requested. Detailed responses to the Examiner's reasons for rejection are set forth below.

Rejections Under 35 U.S.C. § 102(e)

The Office Action rejected Claims 1-89 under 35 U.S.C. § 102(e) as being anticipated by Dombroski et al. Applicants' previous response to the Office Action was not deemed proper as failing to clearly establish a conception date prior to the priority date of Dombroski et al.

The earliest effective filing date of the published application of Dombroski et al. is April 21, 2001. The previously submitted declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 establishes the completion of the invention defined by the claims in the present application in the United States prior to April 21, 2001. In light of the Examiner's comments via the February 28, 2005 telephone conference, applicants submit a non-redacted copy of Exhibit 1, dated February 20, 2001, along with a copy of the originally included declaration. In combination with the previously submitted declaration of Jeffrey T. Brinker that certifies that the date of Exhibit 1 was prior to April 16, 2001, applicants respectfully submit that they have addressed any deficiencies identified by the Examiner in the Office Action. Accordingly,

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS"
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

applicants therefore submit that the Dombroski et al. reference does not qualify as prior art under 35 U.S.C. § 102(e).

Applicants also respectfully submit that although the Dombroski et al. reference is not prior art, it does not anticipate Claims 1-89 in that it fails to teach the recitations of these claims. Accordingly, the applicants respectfully submit that the pending rejections of these claims should be withdrawn.

CONCLUSION

The foregoing response is submitted as a full and complete response to the current Office Action. The applicants respectfully submit that the foregoing response and the declaration of Jeffrey T. Brinker under 37 C.F.R. § 1.131 place this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by telephone conference, or that there are any informalities that can be corrected by the Examiner's amendment, please call the undersigned at 206.695.1728.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

Mauricio A. Uribe
Registration No. 46,206
Direct Dial No. 206.695.1728

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3600, Examiner Firmin Backer, at facsimile number 703.872.9306 on February 28, 2005.

Date: February 28, 2005

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100